

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

vs.

DION L. BARNARD

Defendant

CR CASE NO. 06-73 *GMS*

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2008 MAR 17 PM 1:59

DEFENDANT'S MOTION IN LIMINE

And now, comes the Defendant, Dion L. Barnard, by and through his attorney,  
Joseph A. Ratasiewicz, Esquire, and avers as follows:

1. That Defendant believes the prosecution may attempt to introduce at trial  
prejudicial evidence that is not relevant to the indictable charge in this case.

2. That said evidence surrounds the following:

(a) Testimony and documentation regarding a missing woman (Risha  
Lewis) as well as any investigation surrounding her disappearance, the vehicle she was  
driving, the content of any interviews or statements taken of Defendant regarding Lewis  
and any photos of Lewis seized during the search of Defendant Barnard's room;

(b) Car title for a Lexus automobile in the name of Audrey and Luther  
Thompson seized during the search of Defendant Barnard's room;

(c) Reference to approximately Two Thousand Three Hundred Thirty-  
Nine Dollars (\$2,339.00) seized during the search of Defendant Barnard's room some six  
(6) months after the alleged criminal activity by the Defendant;

(d) Any and all references regarding informants' comments to Government Agents that Defendant Barnard had sold crack cocaine after the alleged sale on January 12, 2006;

(e) Any evidence surrounding the location of Defendant's apprehension and arrest at the Office of Probation and Parole;

(f) Any and all evidence of audio recordings allegedly of the Defendant taken on January 12, 2006 and any and all transcripts therefrom; and

(g) Any and all evidence of video recordings allegedly of the Defendant taken on January 12, 2006 and photos, as the subject figure is not recognizable and identifiable yet is highly suggestive and prejudicial.

3. That pursuant to Federal Rules of Evidence 402 "...evidence which is not relevant is not admissible..."; pursuant to Federal Rules of Evidence 403 "...although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice..."; and, pursuant to Federal Rules of Evidence 404 "...evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith...".

4. That based on the Standard Rules of Evidence, Defendant requests that the prosecution not be permitted to introduce into evidence at the time of trial in this matter items (a) through (g) above.

**WHEREFORE**, for the reasons stated in the above, the Defendant respectfully

requests that his motion be granted.

Respectfully submitted:  
**FRONT STREET LAWYERS, P.C.**

BY: \_\_\_\_\_

  
**JOSEPH A. RATASIEWICZ, ESQUIRE**  
**Attorney for Defendant**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**UNITED STATES OF AMERICA** :  
 :  
 **vs.** : **CR CASE NO. 06-73**  
 :  
 :  
 **DION L. BARNARD** :  
 **Defendant** :

## ORDER

**AND NOW**, this       day of                  , 2008, upon  
consideration of the within Motion in Limine, it is hereby **ORDERED and DECREED**  
that said Motion is **GRANTED.**

**BY THE COURT:**

**J.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CR CASE NO. 06-73</b>
<b>vs.</b>	:	
	:	
<b>DION L. BARNARD</b>	:	
<b>Defendant</b>	:	

**CERTIFICATION OF SERVICE**

I, Joseph A. Ratasiewicz, Esquire, hereby certify that a copy of the within Motion in Limine has been served by e-mail and 1<sup>st</sup> Class U.S. Mail Postage Prepaid on March 11, 2008 to:

*Shannon T. Hanson, Esquire  
Assistant U.S. Attorney  
The Nemours Bldg.  
1007 North Market Street, Suite 700  
P.O. Box 2046  
Wilmington, Delaware 19899-2046*

and to:

*Honorable Gregory M. Sleet  
U.S. District Court for State of Delaware  
844 King Street, Room 3124  
Wilmington, Delaware 19801  
Via Fax - 1-302-573-6472*

on March 11, 2008 and March 17, 2008.

Respectfully submitted:

**FRONT STREET LAWYERS, P.C.**

BY: 

**JOSEPH A. RATASEWICZ, ESQUIRE**  
Attorney for Petitioner/Defendant